

Appl. No. 10/648,579  
Reply to Office Action of April 17, 2006

REMARKS/ARGUMENTS

The Response to Arguments as well as the claim rejections under 35 USC 112 are based on a mis-interpretation of the meaning of the claims by the Examiner. Applicants earlier attempts to correct this misunderstanding have, apparently, not been successful. In view thereof, applicants have amended the claims to state the same limitation in a different way so as to not be subject to mis-interpretation.

More specifically, applicants intended the "maximum bond distance" to mean the longest of the bond distances measured for the relevant S-C bonds. Thus, for example, in formula (I) there are three S-C bonds. These are between S<sub>1</sub> and the carbon on each of the benzene rings to which it is attached. The intended meaning for the various maximum bond distances is now written out in full narrative to avoid mis-interpretation of the meaning.

Support for the change can be found in the language of the original claim as explained in the specification. In particular, attention is directed to the discussion on page 11 of the meaning of the maximum value of the bond distance. Also, there are

Appl. No. 10/648,579  
Reply to Office Action of April 17, 2006

specific examples discussed near the end of page 11 and illustrated in the Table on page 12 which shows the maximum value of the bond distance between the  $S_1$  and the adjacent C atom when there are various substituents for  $R_1$ ,  $R_2$  and  $R_3$ . Similar information is provided in the next several pages with respect to other sulfur bridges.

The formal objection to the claims is based on the use of a range to define "maximum bond distance". As now rewritten it is clear that the range is appropriate. Withdrawal of the formal objections are respectfully requested.

The claims are rejected as anticipated by Ohkawa et al. on the basis of the Examiner's interpretation of the meaning of the bond lengths as including all bonds below the cited range. As the claims are now reworded, it is clear that at least one of the bonds must fall within the range and this is not the case for the compounds of Ohkawa et al. Withdrawal of the anticipation rejection is therefore respectfully requested.

The claims are also rejected under 35 USC 103 as being obvious over Ohkawa et al. Withdrawal of this rejection in view of the following is respectfully requested.

To the extent that the obviousness rejection is based on the overlap of required bond lengths which are either disclosed or

Appl. No. 10/648,579  
Reply to Office Action of April 17, 2006

inherent in Ohkawa et al., the claims now make it clear that the proper interpretation thereof excludes such overlap or inherency. Furthermore, the earlier filed DECLARATION showing unexpectedly good results over Ohkawa can be properly considered by the Examiner and shows that the present invention is patentably distinct from the Ohkawa et al. disclosure because of the bond length requirement.

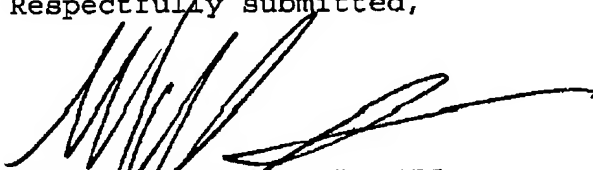
There is a rejection of claim 6 as being unpatentable over a combination of Ohkawa et al. and Mantell et al. However, Mantell is not cited with respect to the features missing from Ohkawa and no combination thereof with Ohkawa et al. could render the present invention obvious.

In addition, it is submitted that there is no basis in either Ohkawa et al. or Mantell et al. to support that their combination would be obvious even if it did render the present invention obvious.

In view of the above, withdrawal of the rejections and allowance of the application are respectfully requested.

Frishauf, Holtz, Goodman  
& Chick, P.C.  
220 Fifth Ave., 16th Floor  
New York, NY 10001-7708  
Tel. No. (212) 319-4900  
Fax No.: (212) 319-5101  
MJC/ld

Respectfully submitted,



MARSHALL J. CHICK  
Reg. No. 26,853